

### **REMARKS/ARGUMENTS**

Applicant has carefully reviewed and considered the Office Action mailed on May 27, 2009, and the references cited therewith.

Claims 26-27 and 29 are amended, claims 1-25 and 28 remain canceled, and no claims are added; as a result, claims 26-27 and 29-41 are now pending in this application. Support for the claim amendments can be found, for example, in the original application at page 13, line 28 to page 14, line 9; page 18, lines 16-29; and Figs. 1 and 9-12. No new matter is added

#### **Examiner Interview**

Applicant thanks the Examiner and his supervisor for the courtesy of the telephone interview. The substance of the interview is set forth in the remarks below.

#### **§103 Rejection of the Claims**

Claims 26-27 and 29-41 were rejected under 35 USC § 103(a) as being unpatentable over Wisselink (U.S. Patent No. 6428565), and further in view of Marcade (U.S. Patent No. 5,683,449) and Houser (U.S. Patent No. 6,599,302). Applicant respectfully traverses this rejection. Without conceding the rejection, Applicant herein amends claim 1 in order to advance prosecution, as was proposed during the interview with the Examiner.

Independent claim 26 recites a system for treating vasculature comprising:

a main component having a superior end, an inferior end and a midsection therebetween, the midsection having an outer diameter that is smaller than an outer diameter of the superior end and an outer diameter of the inferior end with a first narrowing transition section bridging between the superior end and the midsection and a second narrowing transition section bridging between the inferior end and the midsection;

at least two limbs extending from either the first or second narrowing transition sections and defining respective openings; and

respective extension components sized to mate with the opening of the at least two limbs.

Placement of the at least two limbs at either the first or second narrowing transition section provides a space for the limbs to compress against the outside of the main component and thereby aids in reducing the profile of the system for insertion in the vasculature. See the original application at page 13, line 28 to page 14, line 9, and page 18, lines 16-29.

Applicant respectfully submits that Wisselink in view of Marcade and further in view of Houser fails to disclose, teach, or suggest all of the features of independent claim 26. Wisselink is directed to a system and method for endoluminal grafting. As shown in Fig. 1a, Wisselink discloses an endoluminal grafting system 10 comprising a primary graft 12 and at least one branch graft opening 14. Wisselink further discloses that the primary graft 12 has one or more primary graft anchoring devices 18 including radially expandable stents or frames. See Wisselink at column 7, lines 55-66.

As explained during the interview with the Examiner, Wisselink fails to disclose, teach, or suggest branch graft openings 14 extending from anywhere but the midsection of primary graft 12. Additionally, while Wisselink teaches that primary graft anchoring devices 18 are expandable, Wisselink notably fails to disclose, teach, or suggest that anchoring devices 18 cause the ends of primary graft 12 to increase in diameter beyond the outer diameter of the midsection of the graft, as claimed by the Office Action. Wisselink instead illustrates primary graft 12 as having a uniform diameter along the entire length of primary graft 12, and branch graft openings 14 extending from a region of uniform diameter, as was discussed during the interview. See e.g. Figures 1a-1f.

Thus, Applicant respectfully submits that Wisselink fails to disclose, teach, or suggest primary graft 12 having a midsection with an outer diameter smaller than an outer diameter of the ends of primary graft 12. Correspondingly, Wisselink fails to disclose primary graft 12 including narrowing transition sections bridging between the ends of primary graft 12 and its midsection.

Accordingly, for the above reasons, Applicant respectfully submits that Wisselink fails to disclose, teach, or suggest at least the feature of “a main component having a superior end, an inferior end and a midsection therebetween, the midsection having an outer diameter that is smaller than an outer diameter of the superior end and an outer diameter of the inferior end with a first narrowing transition section bridging between the superior end and the midsection and a second narrowing transition section bridging between the inferior end and the midsection; [and] at least two limbs extending from either the first or second narrowing transition section,” as recited in independent claim 26.

Applicant respectfully submits that the addition of Marcade fails to cure the deficiencies of Wisselink with respect to claim 26. Marcade is directed to a bifurcated graft. As illustrated in Fig. 8, Marcade discloses a component 750 having two ends 750a and 750b. Marcade further discloses component 750 having a midsection 754, having a substantially uniform diameter, and a region 756 which gradually increases in diameter as it approaches end 750b of component 750. See Marcade at column 21, lines 53-65.

Marcade fails to disclose branches extending from component 750. The Office Action recites on page 3 that “Wisselink in view of Marcade fails to suggest placing the branched blood vessels (of Wisselink) at a first superior transition (of Marcade).” Applicant respectfully agrees. As discussed above, Wisselink solely discloses branch graft openings 14 extending from the midsection of primary graft 12. Thus, as was explained during the interview, Applicant respectfully submits that the combination of Wisselink and Marcade only teaches or suggests placing the

branch graft openings 14 of Wisselink at the midsection 754 of Marcade, and not in the region of increasing diameter 756.

Accordingly, Applicant respectfully submits that Wisselink in view of Marcade fails to disclose, teach, or suggest at least the feature of “a main component having a superior end, an inferior end and a midsection therebetween, the midsection having an outer diameter that is smaller than an outer diameter of the superior end and an outer diameter of the inferior end with a first narrowing transition section bridging between the superior end and the midsection and a second narrowing transition section bridging between the inferior end and the midsection; [and] at least two limbs extending from either the first or second narrowing transition section,” as recited in independent claim 26.

Applicant further submits that the addition of Houser fails to cure the deficiencies of Wisselink and Marcade. Houser is directed to an aortic aneurysm treatment system. As illustrated in Fig. 5, Houser discloses a reinforcing graft 18 including branches 36. See Houser at column 8, lines 47-49.

Houser fails to disclose, teach, or suggest reinforcing graft 18 changing in outer diameter between the superior end and the midsection of the graft. Houser instead illustrates reinforcing graft 18 as having a uniform diameter along the entire length of reinforcing graft 18 from the superior end to the bifurcation, and branches 36 extending from this region of uniform diameter. See e.g. Figure 5. Thus, Applicant respectfully submits that Houser fails to disclose, teach, or suggest reinforcing graft 18 having a midsection with an outer diameter smaller than an outer diameter of the ends of reinforcing graft 18. Correspondingly, Houser fails to disclose, teach, or suggest reinforcing graft 18 including narrowing transition sections bridging between the ends of primary graft 12 and its midsection.

Accordingly, Applicant respectfully submits that Wisselink in view of Marcade and further in view of Houser fails to disclose, teach, or suggest at least the feature of “a main component having a superior end, an inferior end and a

midsection therebetween, the midsection having an outer diameter that is smaller than an outer diameter of the superior end and an outer diameter of the inferior end with a first narrowing transition section bridging between the superior end and the midsection and a second narrowing transition section bridging between the inferior end and the midsection; [and] at least two limbs extending from either the first or second narrowing transition section,” as recited in independent claim 26. Therefore, Applicant respectfully requests reconsideration and allowance of independent claim 26.

Claims 27 and 29-41 each depend from independent claim 26 and incorporate each of the limitations of claim 26 as discussed above. Therefore, Applicant respectfully submits that claims 27 and 29-41 are allowable for at least the reasons set forth above with respect to claim 26.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's below listed attorney at (612) 236-0120 to facilitate prosecution of this matter.

**CERTIFICATE UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: **MS AMENDMENT** Commissioner of Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 6 day of July, 2009.

Julian K. Auel  
Name

[Signature]  
Signature

Respectfully Submitted,  
Timothy A. M. Chuter

By Applicant's Representatives,  
Brooks, Cameron & Huebsch, PLLC  
1221 Nicollet Avenue, Suite 500  
Minneapolis, MN 55403

By: [Signature]  
Edward J. Brooks, III  
Reg. No. 40,925

Date: 7/2/2009